

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of

Anderson

Confirmation No. 4972

Serial No. 10/788,413

Group Art Unit 1617

Filed March 1, 2004

Examiner Wang

For TREATMENT USING DANTROLENE

Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In response to the office action mailed June 11, 2007, the applicant elects the Group 1 invention, including claims 1-22, 75-81, 83-91, 93, 95, 98, and 100-105 with traverse as to the Group 2 invention, and without traverse as to the Group 3 invention.

The Group 1 and Group 2 invention both relate to formulations of dantrolene. Contrasting claim 1 (Group 1) with claim 23 (Group 2) it can be seen that the dry powder formulation of claim 23 which upon addition of a liquid carrier has exactly the same low volume formulation attributes as specified in claim 1. Further, claim 83 (Group 1) specifies a reconstitutable dantrolene composition which does not include liquid carrier, but will become a liquid composition on addition of a liquid carrier (as such, claim 83 is similar to the dry powder formulation of claim 23 (Group 2)). Also, claim 99, which is in Group 2, does not require a liquid carrier but does not exclude a liquid carrier from being included in the composition. Claim 100, which is in Group 1, differs from claim 99 only that it requires water and that the product is a “dispersion”. In view of this significant overlap in the claims, and in view of the dry powder formulation and reconstituted liquid formulation would be classified in the same classes and subclasses the restriction between Groups 1 and 2 should be withdrawn.

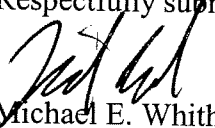
With respect to the election of species requirement, the applicant elects dantrolene sodium with traverse. The claims of the elected Group 1 (and non-

elected Group 2) which read on the elected species include claims 1, 3, 5-29, 75-78, 81, 83-91, and 93-105. The independent claims are generic for dantrolene and dantrolene salt formulations. Rejoinder of the non-elected species on allowance of the generic claims is requested.

In view of the above, please proceed to examination on the merits.

A provisional petition is hereby made for any extension of time necessary for the continued pendency during the life of this application. Please charge any fees for such provisional petition and any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 50-2041.

Respectfully submitted,



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